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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD FISHER,

No. 05-02774 CW

Plaintiff,

ORDER OF
DISMISSAL

v.

CITY OF PITTSBURG CALIFORNIA, et al.,

Defendant.

/

On December 18, 2008, the Court issued an Order Setting Case Management Conference wherein the Court set a case management conference for January 13, 2009. The Plaintiff was warned in the Order that failure to appear at the case management conference would result in dismissal of this case for failure to prosecute. The Order was mailed to the Plaintiff on December 29, 2008, at the address filed with the Court by Plaintiff on December 24, 2008.

The case management conference was held on January 13, 2009, in the above-captioned case. No appearance was made by Plaintiff. The Court issued an Order Re Failure to Appear in which the Plaintiff was ordered to appear at a settlement conference on January 22, 2009, before Magistrate Judge Nandor Vadas which was previously set by the Magistrate Judge by Notice and Order Setting Further Settlement Conference filed on January 7, 2009, and mailed to the Plaintiff at his address of record. Failure by Plaintiff to appear at the settlement conference would result in dismissal of

1 this case for failure to prosecute. On January 22, 2009, a
2 settlement conference was held before Magistrate Judge Nandor
3 Vadas. Owen Rooney appeared for Defendants. No appearance was
4 made by Plaintiff. Accordingly,

5 IT IS HEREBY ORDERED that the above-captioned case is
6 dismissed without prejudice for failure to prosecute.

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1/26/09

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Dated _____

Claudia Wilken

CLAUDIA WILKEN
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FISHER,

Plaintiff,

Case Number: CV05-02774 CW

CERTIFICATE OF SERVICE

CITY OF PITTSBURG CALIFORNIA ET AL et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard F. Fisher
820 23rd St.
Richmond, CA 94804

Dated: January 26, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk